

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DR. EARL JANN AND CAROL ISACSON	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 07-CV-6595
	)	
MATTHEW D. SAMPLE, J. DAVID	)	Honorable Judge Ronald A. Guzman
CROSS, and SAMPLE & CROSS CAPITAL	)	
MANAGEMENT, LLC,	)	Magistrate Judge Nan R. Nolan
	)	
Defendants.	)	

**PLAINTIFFS' MOTION FOR  
ENLARGEMENT OF TIME TO AMEND THEIR PLEADINGS**

Plaintiffs, Dr. Earl Jann and Carol Isacson, by and through their attorneys, O'Rourke Katten & Moody, hereby submit the following Motion for Enlargement of Time to Amend Their Pleadings, and in support thereof, state as follows:

1. The Court has previously set a deadline of March 24, 2008 for the parties to amend their pleadings and join any additional parties to this action.
2. This action was filed on November 21, 2007. Written discovery has been exchanged between the parties and plaintiffs anticipate that oral discovery will begin shortly.
3. Plaintiffs do not foresee adding any additional parties to this action.
4. Plaintiffs further do not intend, at this time, to amend their pleadings. However, plaintiffs bring this motion in an abundance of caution so that they are not precluded from amending their pleadings in the event they determine it to be necessary. Plaintiffs seek an enlargement of time to and including the conclusion of oral discovery of fact witnesses.
5. Leave to amend pleadings "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). The Court's primary consideration in interpreting Rule 15 is whether there is

undue prejudice to the opposing party in permitting amendment. Owen v. Mark Twain Boat Co., 1990 U.S. Dist. LEXIS 5429, \* 6 (N.D. Ill. 1990). In granting leave to amend the court may consider the fact that the subject litigation recently commenced. G.D. Searle & Co. v. Forest Labs, Inc., 1999 U.S. Dist. LEXIS 1027, \* 5-6 (N.D. Ill. 1999)(court permitted amendment where litigation was in early stages and oral discovery had not yet commenced).

6. This motion is brought in the interests of justice and not for any improper purpose.

7. Defendants will not suffer any prejudice if the Court grants this motion.

Respectfully submitted,

EARL JANN and CAROL ISACSON,

/s/ Joshua R. Diller  
One of their Attorneys

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